

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Family and Juvenile Law Advisory Committee
Hon. Mary Ann Grilli & Hon. Michael Nash, Co-chairs
Corby Sturges, Attorney, 415-865-4220
Christopher Wu, Supervising Attorney, 415-865-7721

DATE: August 15, 2003

SUBJECT: Adoption Rules and Forms (amend Cal. Rules of Court, rule 1464; revise forms ADOPT-200, ADOPT-210, and ADOPT-215) (Action Required)

Issue Statement

Shortly after the plain-language adoption forms adopted by the council took effect on January 1, 2003, a number of people, including judicial research attorneys, adoption practitioners, court clerks, and representatives of the California Department of Social Services, contacted the Administrative Office of the Courts (AOC) to suggest revisions to those forms and an amendment to rule 1464. In addition, AOC staff identified several items on the forms that rested on questionable legal bases.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2004,

1. Amend rule 1464 of the California Rules of Court to require court clerks to provide a copy of completed form ADOPT-200 and a copy of any adoptive placement agreement or agency joinder filed in an adoption case to the California Department of Social Services (CDSS), and to clarify its language; and
2. Revise Judicial Council forms ADOPT-200, *Adoption Request*, ADOPT-210, *Adoption Agreement*, and ADOPT-215, *Adoption Order*, to clarify their legal and procedural requirements and make them easier to use for everyone involved in the adoption process.

The proposed rule and forms are attached at pages 6–14.

Rationale for Recommendation

The proposed amendment to rule 1464 of the California Rules of Court and the proposed revisions to the Judicial Council adoption forms would help petitioners, practitioners, and court and agency staff to complete the adoption process.

Notice and transmittal of information to the California Department of Social Services

The committee recommends amending rule 1464 to require court clerks to provide form ADOPT-200, along with any adoptive placement agreement or agency joinder filed in an adoption case, to the California Department of Social Services (CDSS). This amendment, accompanied by conforming revisions to form ADOPT-200, would ensure that clerks supply CDSS with the information it needs to complete the adoption process in a timely manner.

In the past, CDSS used its form AD 3, *Notification of Pendency of Action*, to gather information for processing an adoption. CDSS reported that form AD 3 often lacked all the information required to complete an adoption. The process of collecting this missing information would often delay the adoption process. CDSS has now revoked form AD 3 and plans to use revised form ADOPT-200 in its place. Form ADOPT-200 is a mandatory Judicial Council form. As revised, it would contain all the information, except the child's name before adoption in some cases, that CDSS requires to expedite the adoption process.

CDSS and other adoption practitioners suggested that form ADOPT-200 should be revised to include space for information about the child's name before adoption. The committee recommends including space for this information on ADOPT-200 in relative, independent, and stepparent/domestic partner adoptions, but not in agency or intercountry adoptions.

Sections 8714(d) and 8912(b) of the Family Code specify that in agency or intercountry adoptions, the child's name before adoption appear not in the petition but in the joinder filed by the adoption agency. Inclusion of the child's birth name on the form ADOPT-200 in those cases would therefore be contrary to law. The recommended amendment to rule 1464(b) requiring attachment of the agency joinder to form ADOPT-200 would, however, permit the clerk to transmit the child's name to CDSS without its inclusion on the petition.

Sections 8714.5, 8802(c), and 9000(c) of the Family Code, on the other hand, expressly require the inclusion of the child's name before adoption on the petition in, respectively, relative, independent, and stepparent/domestic partner adoptions. The committee therefore recommends inserting a new item 4 on form ADOPT-200 for the inclusion of the child's name before adoption only in these types of adoption.

Other amendments and revisions

The committee also proposes revising rule 1464 and forms ADOPT-200, ADOPT-210, and ADOPT-215 to comply with the governing law; to clarify the requirements of the adoption process for parties, children, attorneys, and court staff; and to correct technical and typographical errors. The names of the forms would be revised to employ language more suitable to the forms' use by adopting parents or other parties.

Form ADOPT-200, Adoption Request

On form ADOPT-200, in addition to new item 4, the committee recommends revising the "Hearing Date" box to clarify that the clerk of the court must complete the box, but only if a hearing date is available. Petitioners have been pressing clerks to set hearing dates at the time of filing. In most independent adoptions, however, the court sets a hearing date much later in the adoption process. A notice of the hearing's effect would also be added. Another revision would clarify that, in a stepparent or domestic partner adoption, an out-of-state birth parent who cannot sign his or her consent in the presence of any of the officials required by Family Code section 9003(a) may sign his or her consent before a notary under Family Code section 9003(b).

Form ADOPT-210, Adoption Agreement

On form ADOPT-210, the committee recommends adding space to include the child's name before adoption. The child must sign the form with his or her legal name. At the time of signing, that name is the name before adoption. No statute or rule prohibits the inclusion of the child's name before adoption on the adoption agreement.

The committee also recommends deleting item 3a, which allows the child to request that his or her name before adoption appear on the adoption order. The relevant statutes prohibit the child's name before adoption from appearing on the adoption order except in relative adoptions. The child may not waive this prohibition.

Item 3b, which allows the child to request to contact his or her sisters or brothers after the adoption, would also be deleted. The item may mislead a child to think that he or she must complete it to be able to contact his or her siblings after the adoption. It also may mislead the child to think that he or she may only have contact with siblings and not with other relatives. In fact, the item appears to have no legal force. The child need not request permission from the court to contact relatives, including siblings, nor may the court deny such permission if the child and his or her relatives voluntarily agree to maintain contact through a *Contact After Adoption Agreement* (form ADOPT-310) unless the agreement is not in the child's best interests.

The committee also recommends clarifying that form ADOPT-210 must be signed at the adoption hearing under Family Code section 8612 and rule 1464(f). All items requiring signatures would be amended to include a parenthetical direction "sign at hearing." In addition, former item 4b would become new item 6. This item only pertains to stepparent and domestic partner adoptions and serves a fundamentally different function than does

item 4a. The former requires the legal parent to consent to the adopting parent's adoption of the child. The latter item requires an adoptive parent in all nonagency adoptions to agree to treat the child as his or her lawful child. Separation into two items clearly distinguishes these functions. A new item 4b would be added to provide space for an unrelated, nonadopting spouse of an adopting parent to consent to the adoption as required by Family Code section 8603. Statements serving a similar function would be added to old item 4c/new item 5.

Form ADOPT-215, Adoption Order

On form ADOPT-215, the committee recommends adding a new item 2 to specify which type of adoption is ordered. The committee also recommends deleting renumbered item 6b, which asks for the child's name before adoption. The Family Code prohibits the inclusion of the child's name before adoption in the adoption order except in some relative adoptions petitioned under Family Code section 8714.5. New item 8 would provide space to include the child's name before adoption in those relative adoptions in which the adopting relative or the child, if 12 years of age or older, has requested its inclusion under section 8714.5(g).

The committee also recommends deleting renumbered item 6c, in which the court may find that the child "can contact his or her birth brothers and sisters." This item is unnecessary and misleading. The court's approval in item 10 of any contact-after-adoption agreement encompasses the "finding" in renumbered item 6c. Furthermore, renumbered item 6c implies limits to the scope of the contact agreement that may not exist. The child may agree to maintain contact with relatives other than siblings under Family Code section 8714.7.

Alternative Actions Considered

The proposed amendments and revisions are necessary to bring the rules and forms into compliance with governing law and to clarify them. No alternative actions were considered.

Comments From Interested Parties

The invitation to comment on the proposal was circulated from April 17, 2003, through July 1, 2003, to the standard mailing list for family and juvenile law proposals, as well as the regular rules and forms mailing list. We received a total of seven comments. Five commentators agreed with the proposed changes. Two commentators agreed with the proposal if modified and suggested both substantive and technical changes.

Two commentators proposed that the council adopt a standard form to be used as a cover sheet to transmit additional information to CDSS. An amendment to rule 1464(b)(5) and revisions to form ADOPT-200 have eliminated the need to use a cover sheet.

One commentator pointed out that Family Code sections 8802(c) and 9000(c) require the child's name before adoption to be included in the petition in independent and

stepparent/domestic partner adoptions. Form ADOPT-200 would be revised to conform to these statutory requirements. Another commentator pointed out that Family Code section 8714.5(g) requires the order in a relative adoption to contain the child's name before adoption if requested by the adopting relative or the child, if he or she is 12 years of age or older. Form ADOPT-215 would be revised to conform to this requirement.

The comments are attached at pages 15–19.

Implementation Requirements and Costs

Implementation of the changes to the rule and forms will require courts to retrain clerks and incur standard reproduction costs.

Attachments

Rule 1464 of the California Rules of Court is amended, effective January 1, 2004, to read:

Rule 1464. Adoption

(a) [Procedures—Adoption]

- (1) The petition for the adoption of a dependent child who has been freed for adoption may be filed in the juvenile court with jurisdiction over the dependency.
- (2) All adoption petitions ~~shall~~ must be completed on Judicial Council form ~~*Petition for Adoption*~~ *Adoption Request* (ADOPT-200) and ~~shall~~ must be verified. In addition, the petitioner must complete ~~the~~ Judicial Council forms ~~*Petitioner Consent and Agreement to Adoption*~~ *Adoption Agreement* (ADOPT-210) and ~~*Order of Adoption*~~ *Adoption Order* (ADOPT-215).
- (3) A petitioner seeking to adopt an Indian child ~~shall~~ must also complete Judicial Council form ~~*Attachment to Petition for Adoption—Adoption of an Indian Child*~~ (ADOPT-220). If applicable, ~~the~~ Judicial Council form ~~*Consent to Termination of Parental Rights and Certification—Adoption of an Indian Child*~~ *Parent of Indian Child Agrees to End Parental Rights* (ADOPT-225) may be filed.
- (4) The clerk ~~shall~~ must open a confidential adoption file for each child and this file ~~shall~~ must be separate and apart from the dependency file, with an adoption case number different from the dependency case number.

(b) [Notice] The clerk of the court must give notice ~~Notice~~ of the adoption hearing ~~should be given to:~~

- (1) Any attorney of record for the child;
- (2) Any Court-Appointed ~~child~~ Special Advocate (CASA);
- (3) The child welfare agency; and
- (4) The tribe of an Indian child; and
- (5) The California Department of Social Services. The notice to the California Department of Social Services must include a copy of the completed *Adoption Request* (form ADOPT-200) and a copy of any

1 adoptive placement agreement or agency joinder filed in the case. The
2 clerk shall notice the child welfare agency of the adoption hearing.
3

4 (c) **[Hearing]** If the petition for adoption is filed in the juvenile court, the
5 proceeding for adoption ~~shall~~ must be heard in juvenile court ~~once~~ after all
6 appellate rights have been exhausted. Each petitioner ~~Petitioner~~ and the child
7 must be present at the hearing. The hearing may be heard by a referee if the
8 referee is acting as a temporary judge.
9

10 (d) **[Record]** The record ~~shall~~ must reflect that the court has read and considered
11 the assessment prepared for the hearing held under section 366.26 and as
12 required by section 366.22(b), the report of any Court- Appointed child Special
13 Advocate (CASA), and any other reports or documents admitted into evidence.
14

15 (e) ***
16

17 (f) **[Consent]** At the hearing, each adoptive parent and the child, if 12 years of
18 age or older, ~~shall~~ must execute Judicial Council form ~~*Petitioner Consent and*~~
19 ~~*Agreement to Adoption*~~ *Adoption Agreement* (ADOPT-210) in the presence of
20 and with the acknowledgment of ~~acknowledged by~~ the court.
21

22 (g) **[Dismissal of jurisdiction]** If the petition for adoption is granted, the juvenile
23 court ~~shall~~ must dismiss the dependency, terminate jurisdiction over the child,
24 and vacate any previously set review hearing dates. A completed Judicial
25 Council form *Termination of Dependency* (JV-364) ~~shall~~ must be filed in the
26 child's juvenile dependency file.

ADOPT-200 Adoption Request

If you are adopting more than one child, fill out an adoption request for each child.

DRAFT 7
9/29/03

Court name and street address:

Superior Court of California, County of

Case Number:

1 Your name(s) (adopting parent(s)):

a. _____

b. _____

Relationship to child: _____

Your address:

Street: _____

City: _____ State: _____ Zip: _____

Your phone #: (____) _____

Your lawyer (if you have one): (Name, address, phone #, and State Bar #):

2 Type of adoption: (Check one)

☐ Agency (name): _____

☐ Relative

☐ Independent

☐ International (name of agency): _____

☐ Stepparent/Domestic Partner

3 Information about the child:

a. The child's new name will be:

b. ☐ Boy ☐ Girl

c. Date of birth: _____ Age: _____

d. Child's address (if different from yours):

Street: _____

e. Place of birth (if known):

City: _____

State: _____ Country: _____

f. If the child is 12 or older, does the child agree to the adoption? ☐ Yes ☐ No

City: _____ State: _____ Zip: _____

4 Child's name before adoption (Fill out ONLY if this is an independent, relative, or stepparent/domestic partner adoption.): _____

5 Does the child have a legal guardian? ☐ Yes ☐ No

If yes, attach a copy of the Letters of Guardianship and fill out below:

a. Date guardianship ordered: _____

b. County: _____

c. Case number: _____

6 Is the child a dependent of the court? ☐ Yes ☐ No

If yes, fill out below:

Juvenile case number: _____

County: _____

(To be completed by the clerk of the superior court if a hearing date is available.)

Hearing is set for:

Hearing Date

Date: _____ Time: _____

Dept.: _____ Room: _____

Name and address of court if different from above:

To the person served with this request: If you do not come to this hearing, the judge can order the adoption without your input.



Your name(s): _____

- 7 Child may have Indian ancestry: ☐ Yes ☐ No
If yes, attach Form ADOPT-220, Adoption of Indian Child.

- 8 If this is an Agency Adoption:

- a. I/We have received information about the Adoption Assistance Program, Regional Center, and mental health services available through Medi-Cal or other programs. ☐ Yes ☐ No
- b. All persons with parental rights agree the child should be placed for adoption by the California Department of Social Services or a licensed adoption agency (Fam. Code, § 8700) and have signed a *Relinquishment* form approved by the California Department of Social Services except:

Name: _____ Relationship to child: _____

Name: _____ Relationship to child: _____

- 9 If this is an Independent Adoption:

- a. A copy of the Adoptive Placement Agreement is attached. (Required in most independent adoptions; see Fam. Code, § 8802.)
- b. I/We will file promptly with the department or delegated county adoption agency information required by the department in the investigation of the proposed adoption. ☐ Yes ☐ No
- c. All persons with parental rights agree to the adoption and have signed the Adoptive Placement Agreement *Consent to Adoption* on a form approved by the California Department of Social Services except:

Name: _____ Relationship to child: _____

Name: _____ Relationship to child: _____

- 10 If this is a Stepparent/Domestic Partner Adoption:

- a. The birth parent is ☐ in state ☐ out of state
(If out of state and unable to sign in the presence of the required official, the parent may sign his or her consent before a notary. (Fam. Code, § 9003 (b).))
- b. Adopting parents married: _____ (date) OR Domestic partnership registered: _____ (date).
 (This does not affect the social worker's recommendation. Information is for court only. There is no waiting period.)

- 11 ☐ There is no presumed or biological father because the child was conceived by artificial insemination using semen provided to a medical doctor or a sperm bank. (Fam. Code, § 7613.)

- 12 Form ADOPT-310, *Contact After Adoption Agreement*:

- ☐ Is attached ☐ Will not be used ☐ Will be filed at least 30 days before the adoption hearing
☐ Undecided at this time

- 13 Name of birth parents if you know:

a. _____ (mother)

b. _____ (father)

- 14 ☐ The consent of the ☐ birth mother ☐ presumed father is not necessary because (specify Fam. Code, § 8606 subdivision): _____

Your name(s): _____

- 15** A court ended the parental rights of:
 Name: _____ Relationship to child: _____
 Name: _____ Relationship to child: _____

- 16** ☐ I/We will ask the court to end the parental rights of:
 Name: _____ Relationship to child: _____
 Name: _____ Relationship to child: _____

- 17** Each of the following persons with parental rights has not contacted his or her child in one year (Fam. Code, § 8604(b)):
 Name: _____ Relationship to child: _____
 Name: _____ Relationship to child: _____

- 18** Each of the following persons with parental rights has died:
 Name: _____ Relationship to child: _____
 Name: _____ Relationship to child: _____

- 19** Suitability for Adoption:
 Each adopting parent:
- a. Is at least 10 years older than the child
 - b. Will treat the child as his or her own
 - c. Will support and care for the child
 - d. Has a suitable home for the child *and*
 - e. Agrees to adopt the child.

- 20** I/We ask the court to approve the adoption and to declare that the adopting parent(s) and the child have the legal relationship of parent and child, with all the rights and duties of this relationship, including the right of inheritance.

- 21** If a lawyer is representing you in this case, he or she must sign here:

Date: _____ *Type or print your name* ▶ _____
Signature of Attorney for Adopting Parent

- 22** I declare under penalty of perjury under the laws of the State of California that the information in this form is true and correct to my knowledge. This means if I lie on this form, I am guilty of a crime.

Date: _____ *Type or print your name* ▶ _____
Signature of Adopting Parent

Date: _____ *Type or print your name* ▶ _____
Signature of Adopting Parent

ADOPT-210 Adoption Agreement

DRAFT 6
9/29/03

Court name and street address:

Superior Court of California, County of

Case Number:

1 Your name(s) (adopting parent(s)):

a. _____
b. _____

Relationship to child: _____

Your address (*skip this if you have a lawyer*):

Street: _____

City: _____ State: _____ Zip: _____

Your phone #: (____) _____

Your lawyer (*if you have one*): (Name, address, phone #, and State Bar #): _____

2 Child's name:

Before adoption: _____

After adoption: _____

Date of birth: _____ Age: _____

3 I am the child listed in **2** and I agree to the adoption.

Date: _____
Type or print your name

Signature of Child (child must sign at hearing if 12 or older; optional if child is under 12)

4 If only one **adopting parent**, read and sign below:

a. I am the adopting parent listed in **1**, and I agree that the child will:

- (1) Be adopted and treated as my legal child (Fam. Code § 8612(b)); and
(2) Have the same rights as a natural child of mine, including the right of inheritance.

Date: _____
Type or print your name

Signature of Adopting Parent (sign at hearing)

b. I am the spouse of the adopting parent listed in **1**, and I agree to his or her adoption of the child.

Date: _____
Type or print your name

Signature of Spouse

Your name(s): _____

5

If two adopting parents, read and sign below:

We are the adopting parents listed in **1**, and we agree that the child will:

- (1) Be adopted and treated as our legal child (Fam. Code. § 8612(b));
- (2) Have the same rights as a natural child of ours, including the right of inheritance;

and I agree to the other parent's adoption of the child.

Date: _____ *Type or print your name* ▶ _____
Signature of Adopting Parent (sign at hearing)

and I agree to the other parent's adoption of the child.

Date: _____ *Type or print your name* ▶ _____
Signature of Adopting Parent (sign at hearing)

6

For stepparent/domestic partner adoptions only:

*If you are the legal parent of the child listed in **2**, read and sign below:*

I am the legal parent of the child and the spouse or domestic partner of the adopting parent listed in **1**, and I agree to his or her adoption of my child.

Date: _____ *Type or print your name* ▶ _____
Signature of Adopting Parent (sign at hearing)

7

Executed:

Date: _____ ▶ _____
Judge (or Judicial Officer)

ADOPT-215 Adoption Order

DRAFT 6
9/29/03

Court name and street address:

Superior Court of California, County of

Case Number:

1 Your name(s) (adopting parent(s)):
a. _____
b. _____
Relationship to child: _____
Your address (*skip this if you have a lawyer*):
Street: _____
City: _____ State: _____ Zip: _____
Your phone #: (____) _____
Your lawyer (*if you have one*): (*Name, address, phone #, and State Bar #*): _____

2 Type of adoption: (*Check one*)
☐ Agency (*name*): _____
☐ Relative
☐ Independent
☐ International (*name of agency*): _____
☐ Stepparent/Domestic Partner

3 Child's name after adoption: _____
Date of birth: _____ Age: _____
City: _____ State: _____ Country: _____

4 Name of adoption agency: _____

5 People present in court today (*date*): _____ in:
Dept.: _____ Div.: _____ Rm.: _____ Judge: _____
☐ Adopting parent(s) ☐ Lawyer for adopting parent(s)
☐ Child ☐ Child's lawyer
☐ Parent keeping parental rights (stepparent/domestic partner): _____
☐ Other people present (*list name and relationship to child*):
a. _____
b. _____
If more, attach a sheet of paper, write "ADOPT-215, Item 5" at the top, and list additional name(s) and relationship(s) to child.

Judge will fill out section below.

6 The judge finds that the child: (*Check all that apply*)
a. ☐ Is 12 or older and agrees to the adoption.
b. ☐ Is under 12.

Your name(s): _____

7 The judge has reviewed the report and other documents and evidence and finds that each adopting parent:

- a. Is at least 10 years older than the child d. Has a suitable home for the child *and*
 b. Will treat the child as his or her own e. Agrees to adopt the child.
 c. Will support and care for the child

8 ☐ This case is a relative adoption petitioned under Family Code section 8714.5.

☐ The adopting relative ☐ The child, who is 12 or older has requested that the child's name
 before adoption be listed on this order under section 8714.5(g).

The child's name before adoption was: _____

9 ☐ The child is an Indian child. The judge finds that this adoption meets the placement requirements of the Indian Child Welfare Act and that there is good cause to give preference to these adopting parents. The clerk will fill out 12 below.10 ☐ The judge approves the *Contact After Adoption Agreement* (ADOPT-310)

☐ As submitted ☐ As amended on ADOPT-310

11 The judge believes the adoption is in the child's best interest and orders this adoption.

The child's name after adoption will be: _____

The adopting parent(s) and the child are now parent and child under the law, with all the rights and duties of the parent-child relationship.

Date: _____

Judge (or Judicial Officer)

Clerk will fill out section below.**12 Clerk's Certificate of Mailing**

For the adoption of an Indian child, the Clerk certifies:

I am not a party to this adoption. I placed a filed copy of:

- ☐ ADOPT-200, *Adoption Request*
☐ ADOPT-215, *Adoption Order*
☐ ADOPT-220, *Adoption of Indian Child*
☐ ADOPT-310, *Contact After Adoption Agreement*

in a sealed envelope, marked "Confidential," and addressed to:

Chief, Division of Social Services
 Bureau of Indian Affairs
 1849 C Street, NW
 Mail Stop 310-SIB
 Washington, DC 20240

The envelope was mailed, with full postage, by U.S. mail from:

Place: _____ on (date): _____

Date: _____ Clerk, by: _____, Deputy

SPR03-39**Adoption Rules and Forms**

(amend Cal. Rules of Court, rule 1464; revise forms ADOPT-200, ADOPT-210, and ADOPT-215)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
1.	Ms. Claudia Archer Court Services Program Manager Superior Court of California, County of Solano	AM	N	The “Hearing Date” box on page one of form ADOPT-200 causes problems for court clerks. Petitioners often request immediate hearing dates when they file the form. In fact, the court sets hearings after the adoption reports are filed. The hearings typically occur 60–240 days after the petition’s filing. Remove the “Hearing Date” box from form ADOPT-200. Instead, create a new Notice of Hearing form to allow clerks to comply with rule 1464(b)’s requirement that the clerk notify the parties of the hearing date.	The Hearing Date box now clearly states that the clerk must complete it only if a hearing date is available. This addition should reduce or eliminate the occurrence of the problem noted by the commentator.
2.	Mr. Robert Gerard President Orange County Bar Association	A	Y	These minor but timely changes to the ADOPT-200 form will help to ensure the prompt finalization of adoptions.	No response required.
3.	Ms. Keri Griffith Superior Court of California, County of Ventura	A	N	Commentator would prefer that the council develop a cover sheet for all adoptions. Without it, the court must send a copy of the adoptive placement agreement or create a mechanism to provide the child’s birth name.	The proposal has been revised to remove the requirement of a cover sheet. The clerk must send a copy of the petition as well as a copy of any adoption placement agreement or agency joinder filed in the case. Together, those documents contain all the information CDSS needs.
4.	Ms. Sandra Mason Director of Civil Operations Superior Court of California, County of San Luis Obispo	A	N	Because CDSS requires the child’s birth name and date, the commentator’s court plans to develop a cover sheet to be part of the adoption packet. This court will require the petitioner to supply the child’s birth name and date on that cover sheet.	The proposal has been revised to remove the requirement of a cover sheet. The clerk must send a copy of the petition as well as a copy of any adoption placement agreement or agency joinder filed in the case. Together, those documents contain all the information CDSS needs.
5.	Ms. Judi Waterman	A	N	Please consider developing a standard cover sheet to	The proposal has been revised to remove

SPR03-39

Adoption Rules and Forms

(amend Cal. Rules of Court, rule 1464; revise forms ADOPT-200, ADOPT-210, and ADOPT-215)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
	Managing Attorney Superior Court of California, County of Fresno			implement rule 1464(b)(5)'s requirement that the clerk include the birth name of the child and the name of the birth parents on a separate cover sheet.	the requirement of a cover sheet. The clerk must send a copy of the petition as well as a copy of any adoption placement agreement or agency joinder filed in the case. Together, those documents contain all the information CDSS needs.
6.	Mr. Stephen Love Executive Officer Superior Court of California, County of San Diego	AM	Y	<ol style="list-style-type: none"> 1. Delete periods after "(a)" and "(b)" in rule 1464. 2. Change "once" to "after" in rule 1464(c). 3. Specify in rule 1464(c) that each petitioner must be present at the adoption hearing. 4. In item 1 on form ADOPT-200, move "Street" up one line so it follows "Your address." 5. In item 3f on form ADOPT-200, change "over" to "older." 6. In item 7 on form ADOPT-200, capitalize "agency adoption" to be consistent with items 8 and 9. 7. In item 8c on form ADOPT-200, add a space between "Placement" and "Agreement." 8. In item 9a on form ADOPT-200, change "<i>concent</i>" to "<i>consent</i>" and add a period after "<i>notary</i>." 9. In item 9b on form ADOPT-200, delete "were" before "married" and change "court's" to "court." 10. In item 11 on form ADOPT-200, close up the space after "Agreement)" and change "provided" to "used." 11. In item 17 on form ADOPT-200, change "All persons with parental rights have died" to "Each 	<ol style="list-style-type: none"> 1. The suggested change has been made. 2. The suggested change has been made. 3. The suggested change has been made. 4. The blank line following "your address:" has been deleted. 5. The suggested change has been made. 6. The suggested change has been made to what is now item 8. 7. The suggested change has been made to what is now item 9c. 8. The suggested changes have been made to what is now item 10a. 9. The first suggested change has been made to what is now item 10b. The form has been revised consistent with the second suggested change. 10. The suggested change has been made to what is now item 12. 11. The form has been revised consistent

SPR03-39**Adoption Rules and Forms**

(amend Cal. Rules of Court, rule 1464; revise forms ADOPT-200, ADOPT-210, and ADOPT-215)

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				<p>person with parental rights listed below has died.”</p> <p>12. In item 20 on form ADOPT-200, change “<i>Signature of Attorney for Petition</i>” to “<i>Signature of Attorney for Adopting Parent.</i>”</p> <p>13. In item 3a on form ADOPT-210, add “form” between “and” and “ADOPT-310”; add a period after “filed.”</p> <p>14. In item 3b on form ADOPT-210, add a period after “adoption.”</p> <p>15. In item 4a(2) on form ADOPT-210, add a period after “inheritance.”</p> <p>16. In item 5 on form ADOPT-210, insert “the” between “and” and “spouse”; insert a comma after the symbol for “1.”</p> <p>17. Why is there a space after “in:” in item 4 on form ADOPT-215?</p> <p>18. In item 4 of form ADOPT-215, insert “then list additional name(s) and relationship(s) to child.”</p> <p>19. In item 5, change “Can” to “May” and add periods,</p> <p>20. In item 7 of form ADOPT-215, insert a period.</p> <p>21. On page 2 of form ADOPT-215, delete “Judge will fill out section below.” It already appears, with no intervening sections, on page 1.</p> <p>22. New rule 1464(b)(5) would require retraining on procedure.</p> <p>23. More than one line may be needed in item 1 of</p>	<p>with the suggested change at what is now item 18.</p> <p>12. The suggested change has been made to what is now item 21.</p> <p>13. The item has been deleted.</p> <p>14. The item has been deleted.</p> <p>15. The suggested change has been made.</p> <p>16. The suggested changes have been made to what is now item 6.</p> <p>17. The space has been deleted from what is now item 5.</p> <p>18. The suggested change has been made to what is now item 5.</p> <p>19. Renumbered item 6b has been deleted.</p> <p>20. The suggested change has been made.</p> <p>21. The suggested change has been made.</p> <p>22. Rule 1464(b)(5) has been amended to implement a different procedure. The new procedure may require retraining, but will result in a more efficient</p>

SPR03-39**Adoption Rules and Forms**

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				<p>form ADOPT-200 to explain the adopting parent's relationship to the child.</p> <p>24. The child's name before adoption is required on the petition (form ADOPT-200) in independent adoptions (Fam. Code, § 8802(c)) and stepparent adoptions (Fam. Code, § 9000(c)). It must be left off the adoption order.</p> <p>25. Because it is taken out of its statutory context, the language in item 9 of form ADOPT-200 implies that signing a consent form before a notary is one of many alternatives open to an out-of-state parent in lieu of appearing in court.</p> <p>26. Does item 2 of form ADOPT-210 call for the child's name before or after adoption?</p> <p>27. The deletion from form ADOPT-210 of the request that the child's birth name be listed on the adoption order is appropriate.</p> <p>28. Delete second set of boxes for indicating the presence of the "child" and the "child's lawyer."</p> <p>29. In a relative adoption, section 8714.5(g) of the Family Code requires that the adoption order list the child's name before adoption if the adopting relative or the child, if 12 or older, requests its inclusion.</p>	<p>adoption process.</p> <p>23. The item calls for a one- or two-word response.</p> <p>24. A new item 4 would be added to form ADOPT-200 for inclusion of the child's name before adoption in independent, stepparent, and relative (Fam. Code § 8714.5(e)) adoptions.</p> <p>25. Old item 9/new item 10's language offers an out-of-state parent his or her only alternative to signing the consent in the presence of certain specified officials. A revision has been made to clarify.</p> <p>26. Item 2 has been revised to call for both the child's name before adoption and the child's name after adoption. The child, if 12 years of age or older, must sign item 3 with his or her name before adoption.</p> <p>27. No response required.</p> <p>28. The boxes have been deleted.</p> <p>29. An item has been added to form ADOPT-215 to permit inclusion of the child's name before adoption in a relative adoption under Family Code</p>

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Adoption Rules and Forms

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
					section 8714.5 if the adopting relative or the child, if 12 or older, requests its inclusion.
7.	Mr. Saul Bercovitch State Bar of California Family Law Section San Francisco	A	Y	<i>No specific comment.</i>	No response required.